

Standardized Language for Per Diem and Travel Expenses For Utah Boards and Commissions

Current standard language added to each board:	Proposed standard language to be added as each new board is created or as an existing board is updated:	Notes
(15) (a) (i) A member who is not a government employee may not receive compensation or benefits for the member's service, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107. (ii) A member may decline to receive per diem and expenses for the member's service. (b) (i) A state government officer and employee member who does not receive salary, per diem, or expenses from the agency the member represents for the member's service may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107. (ii) A state government officer and employee member may decline to receive per diem and expenses for the member's service. (C) (i) A local government member who does not receive salary, per diem, or expenses from the entity that the member represents for the member's service may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107. (ii) A local government member may decline to receive per diem and expenses for the member's service. (d) (i) A higher education member who does not receive salary, per diem, or expenses from the entity that the member represents for the member's service may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107. (ii) A higher education member may decline to receive per diem and expenses for the member's service.	<p style="color: red; font-weight: bold;">(15) <u>A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:</u></p> <p style="color: red; font-weight: bold;">(a) <u>Section 63A-3-106;</u></p> <p style="color: red; font-weight: bold;">(b) <u>Section 63A-3-107; and</u></p> <p style="color: red; font-weight: bold;">(c) <u>rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.</u></p>	<ul style="list-style-type: none"> The first new portion is optional depending on whether compensation is provided The new Subsection (15)(a) references per diem expense provisions, The new Subsection (15)(b) references travel expense provisions; The new Subsection (15)(c) provides notice that the division will make rules related to per diem and travel expenses <p style="text-align: right;">(49 words)</p> <p style="text-align: right;">(295 words)</p>

Current standard language added to each board:	<p>Proposed standard language to be added as each new board is created or as an existing board is updated:</p> <p>63A-3-106. Per diem rates for state officers and employees.</p> <p>[Subject] (1) As used in this section and Section 63A-3-107:</p> <p>(a) "Board" means a board, commission, council, committee, task force, or similar body established to perform a governmental function.</p> <p>(b) "Executive branch" means all departments, divisions, agencies, boards, and offices within the executive branch of state government.</p> <p>(c) "Governmental entity" has the same meaning as provided under Section 63G-2-103.</p> <p>(d) "Higher education" means a state institution of higher education, as defined under Section 53B-1-102.</p> <p>(e) "Officer" means a member of a board or a person who is elected or appointed to an office or position within a governmental entity.</p> <p>(2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and subject to approval by the executive director, the director of the Division of Finance shall [establish] make rules establishing per diem rates [for all state officers and employees of the executive branch, except officers and employees of higher education, to meet subsistence expenses for attendance at official meetings] to defray subsistence costs for attendance at an official meeting of a board of which the officer or employee is a member.</p> <p>(3) Unless otherwise provided by statute, a per diem rate established under Subsection (2):</p> <p>(a) is applicable to an officer or employee of the executive branch, except as provided under Subsection (3)(b);</p> <p>(b) is applicable to an officer or employee of higher education, unless higher education pays the costs of the per diem; and</p> <p>(c) may be applicable to an officer or employee of a government entity that is not included under Subsection (3)(a), if the government entity adopts the per diem rates by reference to:</p> <p>(i) this section, or</p> <p>(ii) the rule establishing the per diem rates.</p> <p>(4) (a) Unless otherwise provided by statute, a member of a board may receive per diem under this section and travel expenses under Section 63A-3-107 when the per diem and travel expenses are incurred by the member for attendance at an official meeting of a board.</p> <p>(b) Notwithstanding the provisions of Subsection (4)(a), a member may not receive per diem or travel expenses under this Subsection (4) if the member is being paid as an officer or employee of a governmental entity while performing the member's service on the board.</p>
	<p>Notes</p> <p><u>Per Diem Section</u></p> <p>add definitions</p> <p><u>does not include federal agencies</u></p> <p><u>reference Adm. Rulemaking Act</u></p> <p><u>defray is more precise</u></p> <p><u>keep higher education exempt as long as they are paying for it</u></p> <p><u>allow other government entities to piggyback on rates</u></p> <p><u>member of a board provision</u></p> <p><u>employee member of a board provision</u></p>

Current standard language added to each board:	<p>Proposed standard language to be added as each new board is created or as an existing board is updated:</p> <p>63A-3-107. Travel expenses of executive branch officers and employees.</p> <p>(1) [Subject] In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and subject to approval by the executive director, the director of the Division of Finance shall [adopt] make rules governing in-state and out-of-state [travel and] travel expenses [of all state officers and employees of the executive branch, except officers and employees of higher education].</p> <p>[2] The travel expense rules shall be based upon:</p> <p>[a] per diem rates of payment for subsistence expenses, subject to modification, when justified, to meet special circumstances encountered in official attendance at conferences, conventions, and other official meetings;]</p> <p>(2) Unless otherwise provided by statute, a travel expense rule established under Subsection (1):</p> <p>(a) is applicable to an officer or employee of the executive branch, except as provided under Subsection (2)(b);</p> <p>(b) is applicable to an officer or employee of higher education, unless higher education pays the costs of the travel expenses; and</p> <p>(c) may be applicable to a government entity that is not included under Subsection (2)(a), if the government entity adopts the travel expense provisions by reference to:</p> <p>(i) this section; or</p> <p>(ii) the rule establishing the travel expense provisions.</p> <p>(3) The Division of Finance shall make the travel expense rules on the basis of:</p> <p>[t] (a) a mileage allowance; and</p> <p>[et] (b) reimbursement for other travel expenses incurred.</p> <p>(4) The travel expense rules may allow modification, when justified, to meet special circumstances encountered in official attendance at a conference, convention, meeting, or other official business.</p> <p>[3] (5) (a) [Officers and employees] An officer or employee of the executive branch[except officers or employees of higher education] may not incur obligations for travel outside Utah without the advance approval of the director of the Division of Finance.</p> <p>(b) The director of the Division of Finance may delegate the authority to approve travel outside the state to [the directors of the state departments and agencies] an executive director or a designee of the executive director of a state department or agency.</p> <p>(c) [This] The approval under Subsection (5)(a) or (b), shall include a certification as to the availability of funds.</p>
	<p>Notes</p> <p><u>Travel Expenses Section</u></p> <p><u>reference Adm. Rulemaking Act</u></p> <p><u>keep higher education exempt as long as they are paying for it</u></p> <p><u>allow other government entities to piggyback on rates</u></p> <p><u>move special circumstance provision down to new Sub (4)</u></p> <p><u>add other official business</u></p> <p><u>add executive director</u></p>

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	<u>(6) A member of a board may decline to receive travel expenses for the member's service.</u>	<u>allow decline of per diem</u>